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**AUG 15 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Andrew McPherson Downie et al. :  
Application No. 10/798,201 :  
Filed: March 10, 2004 :  
Attorney Docket Number: 85170-4599 :

**ON PETITION**

This is a decision on the "Request for Withdrawal of Holding of Abandonment" filed June 6, 2006, which is treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is GRANTED.

The application was held abandoned on November 15, 2005 for failure to timely file a response to the non-Final Office Action mailed August 12, 2005. No response having been filed, a Notice of Abandonment was mailed March 31, 2006.

Petitioner asserts that a response in the form of an amendment was filed February 10, 2006 with a three month extension of time request. Provided as proof is a copy of the response and extension of time request, as well as a copy of a properly itemized post card receipt date stamped February 10, 2006 by the USPTO.

A search of the application file and the USPTO records does not reveal receipt of the response, but the extension of time fee in the amount of \$1020.00 had been properly applied to the finance account on February 10, 2006. In view thereof, the evidence submitted corroborates a timely response to the non-Final Office Action.

Accordingly, the holding of abandonment is hereby withdrawn. No petition fee is necessary and none has been charged.

This matter will be referred to Technology Center 3672 for appropriate action on the amendment filed February 10, 2006, a copy of which was submitted upon petition on June 6, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

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